

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GLENN & DARCIE KANAGA,

Plaintiff,

v.

MONSANTO COMPANY

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:23-cv-1882

ORDER

[Resolving Doc. 4]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

On September 27, 2023, Plaintiffs Glenn and Darcie Kanaga filed this case against Defendant Monsanto Company in the Northern District of Ohio.¹ With their complaint, Plaintiffs allege injury from Glenn Kanaga's exposure to Defendant Monsanto's Roundup products.² In their filing, Plaintiffs indicated that their case may be related to Multidistrict Litigation ("MDL") No. 2741, in the Northern District of California.³

On October 27, 2023, the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") transferred this case to the Northern District of California for consolidated pretrial proceedings in MDL No. 2471.⁴ The JPML had found that all actions relating to MDL No. 2471 "entail an overarching query—whether glyphosate causes Non-Hodgkin's Lymphoma in persons exposed to it while using Roundup."⁵

On November 2, 2023, the Independent Settlement Master for MDL No. 2471 told Plaintiffs' counsel that Plaintiffs' claim was ineligible for MDL No. 2471's settlement

¹ Doc. 1.² *Id.*, ¶10.³ *Id.*, PageID #: 5.⁴ Doc. 3. See 28 U.S.C. § 1407.⁵ *In re: Roundup Prods. Liab. Litig.*, 214 F. Supp. 3d, 1347 (J.P.M.L. 2016).

Case No. 1:23-cv-1882
GWIN, J.

program. Plaintiff Glenn Kanaga received a diagnosis of “Hodgkin’s Disease,” rather than Non-Hodgkin’s Lymphoma, rendering him ineligible for MDL No. 2471 relief.⁶

Plaintiffs now move under JPML Rule of Procedure 10.1 for this Court to suggest the Panel remand Plaintiffs’ case to the Northern District of Ohio.⁷

JPML Rule 10.1(b) says that the “transferee judge [may] recommend[] remand of an action, or a part of it, to the transferor court at any time by filing a suggestion of remand with the Panel.”⁸

The transferee court is the federal district court to which the JPML transfers an action for inclusion in an MDL.⁹ The transferor court is the federal district court where an action was pending prior to its transfer for inclusion in an MDL.¹⁰

Here, the transferee court is the Northern District of California, and the transferor court is the Northern District of Ohio. Plaintiffs’ motion is better addressed by the Northern District of California.

So, the Court **DENIES** Plaintiffs’ motion for a suggestion for remand without prejudice to Plaintiff’s opportunity to refile the motion with the transferee court.

IT IS SO ORDERED.

Dated: January 4, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. 4, ¶6.

⁷ Doc. 4.

⁸ J.P.M.L.R. Proc. Rule 10.1(b).

⁹ *Id.*, Rule 1(i).

¹⁰ *Id.*, Rule 1(ii).